

**Notice of Allowability**

Application No.

10/614,039

Examiner

Anthony Gutierrez

Applicant(s)

SASAGURI, KOUJI

Art Unit

2857

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed 12/29/04.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 29 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 2/17/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Anthony Gutierrez  
Examiner

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William L. Brooks on 2/17/05.

The application has been amended as follows:

- In claim 1, lines 4 and 5, delete "a neck portion, a chin portion or the like of a cow" and insert - - "a neck portion, or a chin portion of a cow".
- In claim 1, line 9, delete "horse or the like during estrus" and insert - - horse during estrus - -.
- In claim 1, lines 19 and 20, delete "the symptom of a disease or the like of the cow, the swine, the horse or the like" and insert - - the symptom of a disease of the cow, the swine, or the horse - -.

***Allowable Subject Matter***

2. Claims 1 and 2 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The Applicant's claimed invention is deemed allowable over the prior art as the prior art fails to teach or fairly suggest using a vibrograph attached to a cow, a swine, or a horse, to wirelessly transmit frequency value information to a central computer for use in an estrus predicting function, a delivery date function, and a disease discovering function, for the cow, the swine, or the horse.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Application Publication US 2005/0012623 A1 to Jackson, III et al. discloses a method and apparatus for monitoring breeding behavior of an animal using an array of LEDs.

The earliest priority date of this application is later than the filing date of the present application.

Art Unit: 2857

JP2001208602A to Hoshi et al. discloses the use of a vibrograph device carried by a person for determining pedestrian activity on recording paper at a preset rate set by a clock mechanism.

This reference is concerned with the specific mechanisms and construction of the device, in particular, as it relates to recording activity on an attached paper recording mechanism.

The Examiner does not consider this reference to anticipate or render obvious the claimed invention in view of the cited art as the disclosure of the reference fails to include or fairly suggest extension of the device to wireless transmission of frequency information that is used by a central computer for use in an estrus predicting function, a delivery date function, and a disease discovering function, for a cow, a swine, or a pig.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2857

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AG

Anthony Gutierrez

2/17/05

  
ANTHONY GUTIERREZ